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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,536	04/25/2001	Todd A. Newville	09651-014001	7416
26161	7590	02/09/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2688	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/843,536

**Applicant(s)**

NEWVILLE, TODD A.

**Examiner**

Sharad Rampuria

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

I. The current office-action is in response to the remarks filed on 11/10/05.

Accordingly, Claims 3-5 are cancelled and Claims 1-2, 6-20 are pending for further examination as follows:

***Claim Rejections - 35 USC § 102***

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

III. Claims 1-2, 6-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Orlen et al.  
[US 5579535]

As per claim 1, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to respond to entry of a mobile processing-system present within said information portal (Col.5; 11-28) and to provide to said mobile processing systems data previously requested for said mobile processing system

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prior to entry of said mobile processing system into said information portal. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

As per claim 2, Orlen teaches:

A communication system (Abstract) comprising:

A stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A local server (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with said transceiver, said local server being configured to identify and respond to a mobile processing-system present within said information portal (Col.5; 11-28) and to perform a function on the basis of the identity of said mobile processing-system. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1) said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building. (Col.9; 3-37)

As per claim 6, Orlen teaches:

The communication system of claim 2, further comprising an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system. (Col.3; 13-34)

As per claim 7, Orlen teaches:

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The communication system of claim 1, wherein said stationary transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver. (col.3; 3-6)

As per claim 8, Orlen teaches:

The communication system of claim 1, wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle (Col.9; 3-37).

As per claim 9, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in communication across a local area network. (Col.5; 11-28)

As per claim 10, Orlen teaches:

The communication system of claim 1, wherein said local server and said stationary transceiver are in wireless communication across a local area network. (Col.5; 11-28)

As per claim 11, Orlen teaches:

The communication system of claim 1, further comprising a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network. (Col.3; 66-Col.4; 26)

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As per claim 12, Orlen teaches:

The communication system of claim 11, wherein said local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 13, Orlen teaches:

The communication system of claim 11, wherein said wide area network comprises a global computer network. (Inherent; 40; Fig.1, Col.3; 66-Col.4; 26)

As per claim 14, Orlen teaches:

The communication system of claim 11, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information. (Col.9; 3-37)

As per claim 15, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server is configured to provide said selected information to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.3; 13-34)

As per claim 16, Orlen teaches:

The communication system of claim 14, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition. (Col.5; 30-49)

As per claims 17-18, Orlen teaches:

The communication system of claim 16, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (Col.5; 30-49)

As per claim 19, Orlen teaches:

A communication system (Abstract) comprising:

A plurality of stationary transceiver (12, 14, 16, 18; Fig.1) defining an information portal in a vicinity thereof; (Col.2; 44-64, Col.3; 48-59, Col.5; 29-49)

A server system (32; Fig.1, Col.3; 27-29, Col.4; 10-26, Col.5; 59-Col.6; 47) in communication with each of said stationary receivers, said server system having a link to a global computer (40; Fig.1) network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server configured to provide, to said mobile processing system, in response to entry of said mobile processing system into an information portal, (Col.5; 11-28) data previously requested for said mobile processing system prior to entry of said mobile processing system into said information portal. (Col.5; 29-49, Col.4; 57-Col.5; 10, Col.6; 48-Col.7; 18 and Claim 1)

**IV.** *Claim 20* is the method claim corresponding to system claim 19, and rejected under the same rational set forth in connection with the rejection of claim 19, above.

***Response to Amendment***

**V.** Applicant's arguments with respect to claims 1-2, 6-20 has been considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

**VI.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2688

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER